



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/825,857	04/05/2001	Masashi Yamaguchi	50023-137	3111

7590 10/06/2004
MCDERMOTT, WILL & EMERY
600 13th Street, N.W.
Washington, DC 20005-3096

EXAMINER

FIELDS, COURTNEY D

ART UNIT	PAPER NUMBER
----------	--------------

2137

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/825,857

Applicant(s)

YAMAGUCHI ET AL.

Examiner

Courtney D. Fields

Art Unit

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4,6-7</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-40 are pending.
2. The Information Disclosure Statements respectfully submitted on 05 April 2001, 18 December 2002 and 14 April 2004 have been considered by the Examiner.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-40 are rejected under 35 U.S.C. 102(e) as being anticipated by Boden et al. (U.S. Patent No. 6,330,562). As per claims 1,8,10, and 24, Boden et al. discloses a security communication apparatus, system, and method for assuring the security of the communication sent from a communication terminal on a sending end to a communication terminal on a receiving end connected via network, which comprising: storage means storing associating information that associates information of a user using the communication terminal on the sending end with a security type and security type selecting means selecting the security type from the associating information according to the information of user in Column 3, lines 60-67, Column 4, lines 1-4 and Figure 1.

Art Unit: 2137

As per claims 2 and 9, Boden et al. discloses the claimed limitation wherein the associating information is changed, the security type selecting means confirms immediately that the communication is establishment based on the changed information in Column 4, lines 5-16.

As per claims 3,15,26, and 33, Boden et al. discloses the claimed limitation wherein the security type selected by the security type selecting means is a kind of security protocol in Column 4, lines 17-22.

As per claims 4,16,27, and 34, Boden et al. discloses the claimed limitation wherein the security protocol is IPSEC in Column 4, lines 17-31.

As per claims 5,17,28, and 35, Boden et al. discloses the claimed limitation wherein the security type selected by the security type selecting means is a group of definition information used for security communication in Column 4, lines 23-43.

As per claims 6,18,29, and 36, Boden et al. discloses the claimed limitation wherein the group of definition information is a security policy in Column 4, lines 34-43.

As per claims 7,19,30, and 37, Boden et al. discloses the claimed limitation wherein the group of definition information includes at least either one of an authentication algorithm or an encryption algorithm in Column 5, lines 37-42, Column 8, lines 18-67.

As per claims 11,20, and 23, Boden et al. discloses a security communication apparatus, system, and method for assuring the security of the communication sent from a communication terminal on a sending end to a communication terminal on a receiving end connected via network, which comprising: storage means storing associating information that associates Internet address information inputted into an

application working in the communication terminal on the sending end with the security type, and security type selecting means selecting the security type from the associating information according to the Internet address information in Column 3, lines 60-67, Column 4, lines 1-4, Column 7, lines 26-50, and Figure 1.

As per claims 12 and 21, Boden et al. discloses the claimed limitation wherein the associating information further associates the information of user using the communication terminal on the sending end with the security type, and the security type is selected according to the user information, too in Column 9, lines 3-67, Column 10, lines 1-6.

As per claims 13 and 22, Boden et al. discloses the claimed limitation wherein the security type is selected by visually associating the visualized Internet address information with the visualized list of security type in Column 11, lines 4-10, and Table 1.

As per claim 14, Boden et al. discloses the claimed limitation wherein the Internet address information is converted to an IP address by utilizing the domain name system server in Column 6, lines 40-51, Column 9, lines 28-67, Column 10, lines 1-6.

As per claims 25 and 39, Boden et al. discloses the claimed limitation wherein the terminal specifying information cannot be found out in the associating information, inquires the communication terminal about the recommendable security type to the communication with the communication terminal in Column 7, lines 27-50.

As per claims 31, 38, and 40, Boden et al. discloses a security communication apparatus and method for assuring the security of the communication sent from a

Art Unit: 2137

communication terminal on a sending end to a communication terminal, on a receiving end connected via network, which comprising: inquiry means inquiring a specific security information apparatus about the security type used for assuring the security, security type selecting means selecting the security type according to a reply from the specific security information apparatus in response to the inquiry in Column 10, lines 53-65.

As per claim 32, Boden et al. discloses the claimed limitation wherein the reply includes one and more security type in Column 10, lines 53-65.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ylonen et al. (U.S. Patent No. 6,438,612) discloses a method for secure tunneling of data between virtual routers.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Courtney D. Fields whose telephone number is 571-272-3871. The examiner can normally be reached on Mon - Wed. 6:00 - 6:00 pm; Thur. 6:00 - 10 am.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2137

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

cdi
cdi

September 29, 2004

Matthew L. Smithers
MATTHEW SMITHERS
PRIMARY EXAMINER
Art Unit 2137